

### EXAMINER'S AMENDMENT

The Board of Patent Appeals and Interferences (BPAI) affirmed the 35 USC 102(b) rejection against claims 11 – 13, 16, 18 – 21, and 23 – 27, and affirmed the 35 USC 101 rejection against claims 32 – 35; but reversed the 35 USC 102(e) rejections against claims 1 – 4, 6 – 10, 14, and 28 – 39. Claims 12 – 14, 16, 18 – 21, 23 – 27, and 32 – 35 are cancelled by the examiner in accordance with MPEP 1214.06.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

cancel claims 12 – 14, 16, 18 – 21, 24 – 27, 32 – 35, and 39 (in accordance with MPEP 1214.06);

delete "and" (claim 11, line 12);

replace "." (claim 11, line 15) with -- ; **and** --;

add to the end of claim 11 the following:

-- **wherein the admission controller is operable to use a segment-based model of the memory resources to determine whether at least a portion of a requested streaming file is in the memory resources.** --;

replace "." (claim 23, line 14) with -- ; **and** --;

add to the end of claim 23 the following:

-- wherein said determining said cost, based at least in part on a modeled memory state of the shared resources, comprises:

determining, based at least in part on a segment-based model of memory of the shared resources. --.

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

In view of the decision of the BPAI, claims 1 – 4, 6 – 10, 14, 28 – 31, and 36 – 39 are in condition for allowance. Allowable dependent claim 14 has been incorporated into independent claim 11 in an Examiner's Amendment above. As a result independent claim 11 is allowable and dependent claim 14 is canceled. Allowable dependent claim 39 has been incorporated into independent claim 23 in an Examiner's Amendment above. As a result independent claim 23 is allowable and dependent claim 39 is canceled.

A review of claims 1 – 4, 6 – 11, 23, 28 – 31, and 36 – 38, in view of the Examiner's arguments above, indicates that claims 1 – 4, 6 – 11, 23, 28 – 31, and 36 – 38 are allowable over the prior art of record.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/  
Primary Examiner, Art Unit 2454

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